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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,386	02/27/2002	Kaoru Koiwa	220116US2	4758

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EXAMINER
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DATSKOVSKIY, MICHAEL V

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/083,386

Applicant(s)

KOJWA ET AL.

Examiner

Michael V Datskovskiy

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 2-6 is/are allowed.
- 6) ☐ Claim(s) 1 and 7-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant's arguments, see "Remarks", filed 12/30/2003, with respect to the rejection(s) of claim(s) 1, 3, 7 and 9 under 35 U.S.C. § 103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a reconsideration of a previously presented prior art.

Applicant's arguments regarding to the claim 11 are not persuasive. See rejection below.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 11 is drawn dependent on claim 10, which in turn is claimed as dependent on any of claims 1 to 5. Each of these claims defines a secondary battery as an integral part of a display device disposed to a rear side of said display device. Hence, a structure claimed in the claim 11, defining said secondary battery, as a rod-shaped battery detachably incorporated inside a hinge connecting a display unit and a unit body, is contradictive to each of the parent claims. Examiner directs applicant's

attention to the fact that there are two different apparatus (species) described in the specification: First -corresponding to Figs. 1-10, and second - corresponding to Fig. 11. The second structure when being claimed as part of the first structure does not make any technical sense. However, said second structure, if being claimed in independent form, would be a subject for a restriction as different specie.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7-10 and 12 (claims 7 –10 and 12 in case of being dependent on claim 1) are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawaguchi et al in view of Leung et al and Kozaki.

Kawaguchi et al teach a display unit comprising: a LCD display device having a display screen 6; a secondary battery 8 disposed to a rear side of said display device 8, wherein said display device 6 and the secondary battery 8 are integrally assembled to form a module 5 structure. Kawaguchi et al do not teach an intended area of using of said display device; a heat-shielding layer interposed between said display device and the secondary battery, and said secondary battery being one of thin lithium ion battery or thin nickel metal hydride battery. Leung et al teach a display device 10 intended to be used as part of a portable computer or similar device (col.1, lines 12-15), comprising a battery 14 separated from a LCD display screen 11 by a heat insulating layer 13 (col.3,

lines 46-49 and 63-67). Regarding to the type of said secondary battery: Kozaki teaches a display unit 6, Fig.1, comprising: a LCD display device having a display screen 1; a secondary battery disposed to a rear side of said display device 8, wherein said display device 6 and the secondary battery 8 are integrally assembled to form a module 5 structure, and said second battery as characterized as a lithium ion battery (col.4. lines 2-6). It would have been obvious to one skilled in the art at the time invention was made to employ a heat insulating layer between a display screen and a battery on a rear side of said screen as it is shown by Leung et al, and as a matter of a design choice to use a lithium ion type of a battery as it is disclosed by Kozaki in the device by Kawaguchi et al in order to prevent overheating of said screen. Regarding to the statements that heat shielding layer has a thermal conductivity of at most 5W/mK (claim 1), or 1W/mK or less (claim 9): It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a heat shielding layer having such range of thermal conductivity, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

***Allowable Subject Matter***

6. Claims 2-6 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: a heat radiating layer disposed to said secondary battery at a side opposing to a side of said display screen (claims 2-4); said display device and said secondary battery are integrally adhered by means of a double coated

adhesive tape as a heat-shielding layer (claim 5). Claim 6 is allowable as being dependent on any of the claims 2 to 5.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Umezaki et al (Japan Patent JP2000075804A).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Datskovsky whose telephone number is (703) 306-4535. The examiner can normally be reached on Mn - Fry 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on (703) 308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Primary Examiner

Michael Datskovskiy



January 5, 2004